

TOWN OF BLUE RIVER
ORDINANCE NO. 15-05

AN ORDINANCE OF THE TOWN OF BLUE RIVER, COLORADO,
AMENDING THE OFFICIAL ZONING MAP BOUNDARIES BY
APPROVING A PLANNED RESIDENTIAL DEVELOPMENT WITHIN THE
TOWN OF BLUE RIVER TO BE KNOWN AS THE RUBY PLACER PARCEL
AND APPROVING A PLANNED RESIDENTIAL DEVELOPMENT GUIDE
AND CONCEPTUAL DEVELOPMENT PLAN; AND DECLARING AN
EMERGENCY

WHEREAS, the Board of Trustees (“the Board”) of the Town of Blue River, Colorado (“the Town”), has received an application from Cabin Properties, LLC and the Carl A. Schmidt Living Trust (“Applicants”) to amend the boundaries of the Official Zoning Map by approving a Planned Residential Development, together with a Planned Residential Development Guide (“PRD Guide”) and Conceptual Development Plan (“Plan” also known as a preliminary development plan) (collectively, “the Application”) for the Ruby Placer Parcel; and

WHEREAS, the Application was found by the Town to be complete and in compliance with Blue River Municipal Code (“BRMC”) Section 16-1-40(2) on February 6, 2015; and

WHEREAS, after notice pursuant to BRMC Section 16-2-60, the Town of Blue River Planning and Zoning Commission recommended approval of the Application with conditions on March 3, 2015; and

WHEREAS, after notice pursuant to BRMC Section 16-2-60, a public hearing on the Application was held by the Board on March 17, 2015; and

WHEREAS, based upon the testimony, exhibits and other information provided to the Board at the public hearing, the Board finds as follows for purposes of BRMC Sections 16-1-40(4) and 16-6-10:

1. The proposed zoning is justified by changed or changed conditions in the area described in the application;
2. The proposed uses are compatible with the surrounding area and uses;
3. The proposed zoning is consistent with the Town of Blue River Comprehensive Plan;
4. Adequate facilities are or will be available to serve development for the type and scope suggested by the proposed zone;
5. The proposed PRD Guide and Plan will encourage flexibility and creativity in the residential development of land;

6. The proposed PRD Guide and Plan will enhance the design, character and quality of new development;
7. The proposed PRD Guide and Plan will maximize the efficient use of land;
8. The proposed PRD Guide and Plan will facilitate the harmonious growth of the Town;
9. The proposed PRD Guide and Plan will preserve the natural and scenic features of open and wooded areas; and
10. The proposed PRD Guide and Plan understand and respect the physiographic limitations of the environment.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, COLORADO:

Section 1. Article III, Chapter 16, of the Blue River Municipal Code and the Official Zoning Map established by and incorporated into said Article, be and the same are hereby amended so as to provide that the property situate in the Town of Blue River, County of Summit, State of Colorado, described in Exhibit “A” (“the Property”) be and the same hereby is zoned as Planned Residential Development (“PRD”). The zoning densities, uses and their locations shall be those described in the Planned Residential Guide (“PRD Guide”) and Conceptual Development Plan (“Plan”) for the Ruby Placer Parcel, which is hereby incorporated herein by reference thereto. The zoning designation hereby approved specifically requires the Applicants’ full compliance with the PRD Guide and Plan, which are attached hereto as Exhibit B.

Section 2. Upon the effective date of this Ordinance, the zoning amendment hereby approved shall be promptly entered on the Official Zoning Map, showing general location, effective date and zoning designation.

Section 3. In adopting this Ordinance, the Town of Blue River does not have any obligation respecting the construction of water mains, sewer lines, gas mains, electrical service lines, cable television service lines, streets, or any other services or utilities in connection with the Property.

Section 4. Upon publication of this Ordinance, the Town Clerk shall, and is hereby authorized and directed to:

- a. File one copy each of the PRD Guide and Plan, together with the original of this Ordinance in the Office of the Town Clerk of the Town of Blue River, Colorado.
- b. File a certified copy of this Ordinance, together with copies of the PRD Guide and Plan in the office of the Summit County Assessor.

c. File for record certified copies of this Ordinance, together with certified copies of the PRD Guide and Plan with the Summit County Clerk and Recorder.

Section 5. Immediate adoption of the ordinance is necessary because the zoning of the subject property presents a wide variety of significant public benefits, both fiscal and physical, which are important to the Town and its residents and visitors, and the Town seeks to expedite the Applicants' dedication of said benefits in the general interests of the public peace, health, and safety of the Town and its residents and visitors. Moreover, the Town of Blue River is mainly dependent on ad valorem tax revenues, and permit and fee revenues, to support its budget and therefore has a critical need for the prompt zoning of the Ruby Placer parcel to provide new sources of revenue in such regards. Finally, the Applicants have represented that if there is not an effective zoning adoption by early this spring, development of the Ruby Placer parcel will likely not proceed until 2017, thereby delaying the realization of public benefits and revenues for the Town for an additional 12 to 18 months. Development under this zoning has already been delayed by one year, and further delays are to the detriment of the Town. In light of the foregoing considerations, and in contemplation of the overall public peace, health, and safety, the Board of Trustees therefore finds and determines, as an exercise of its sole discretion, that an emergency exists, that the adoption of the Ordinance is necessary to the immediate preservation of the public peace, health or safety and that this Ordinance shall be effective upon adoption, in accordance with Section 31-16-105 C.R.S.

Section 6. Severability. This Ordinance and the provisions set forth herein are intended to be severable, and shall be interpreted as such. Accordingly, should any provision of this Ordinance be deemed invalid or unenforceable by a Court of proper jurisdiction, the remainder of said Ordinance shall continue to be in effect and applied as if the invalidated section was not in place. Moreover, this Ordinance shall be interpreted in a manner to remain legally valid and enforceable to the greatest extent possible.

INTRODUCED, READ AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Blue River, Colorado, held on March 17, 2015, at the Blue River Town Hall, 0110 Whispering Pines Circle, Blue River, Colorado at 6:00 p.m.

TOWN OF BLUE RIVER, COLORADO

By: _____
Mayor

ATTEST:

Town Clerk

Publication Date: _____

EXHIBIT A
ANNEXATION PETITION LEGAL DESCRIPTIONS

A parcel of land generally described as the Blue River Sanitation District Parcel owned by Cabin Properties, LLC specifically described as follows:

A TRACT OF LAND BEING A PORTION OF THE RUBY PLACER, US THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY NO. 17193, AND BEING LOCATED IN SECTION 25, TOWNSHIP 7 SOUTH, RANGE 78 WEST AND SECTIONS 30 AND 31, TOWNSHIP 7 SOUTH, RANGE 77 WEST OF THE 6TH PRINCIPAL MERIDIAN AND BEING PARTIALLY LOCATED IN LOT 1, SKIERS EDGE, A SUBDIVISION AS FILED FOR RECORD AT THE OFFICE OF THE CLERK AND RECORDER OF SUMMIT COUNTY, COLORADO UNDER [RECEPTION NO. 226900](#); SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF QUANDARY BRECKENRIDGE CONDOMINIUMS AMENDED, A PLAT FILED FOR RECORD UNDER [RECEPTION NO. 167878](#) IN SAID SUMMIT COUNTY CLERK AND RECORDER: THENCE ALONG THE BOUNDARY OF SAID QUANDARY BRECKENRIDGE CONDOMINIUMS AMENDED FOR THE FOLLOWING TWO COURSES:

1. SOUTH 81 32'33" EAST A DISTANCE OF 107.00 FEET;
2. NORTH 08 27'27" EAST A DISTANCE OF 172.70 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF THE SCHISSLER QUANDARY CONDOMINIUM SUBDIVISION PLAT A SUBDIVISION AS FILED UNDER [RECEPTION NO. 105659](#) IN SAID SUMMIT COUNTY CLERK AND RECORDER OFFICE;

THENCE ALONG THE BOUNDARY OF SAID SCHISSLER QUANDARY CONDOMINIUM SUBDIVISION FOR THE FOLLOWING FOUR COURSES:

1. SOUTH 81 32'33" EAST A DISTANCE OF 173.00 FEET;
2. NORTH 08 27'27" EAST A DISTANCE OF 25.30 FEET;
3. 109.36 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 04 00'59", A RADIUS OF 1560.02 FEET AND A CHORD WHICH BEARS NORTH 06 26'57" EAST 109.33 FEET DISTANT;
4. 103.62 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 28 42'59", A RADIUS OF 206.74 FEET AND A CHORD WHICH BEARS NORTH 09 55'03" WEST 102.54 FEET DISTANT TO THE TRUE POINT OF BEGINNING WHENCE THE CORNER COMMON TO SECTIONS 25, 30 AND 31 BEARS SOUTH 19 17'17" EAST A DISTANCE OF 49.14 FEET;

THENCE NORTH 17 09'04" EAST A DISTANCE OF 156.58 FEET TO A POINT ON THE NORTHERLY BOUNDARY LINE OF SAID LOT 1;
THENCE SOUTH 75 20'12" EAST ALONG SAID NORTHERLY BOUNDARY LINE A DISTANCE OF 115.72 FEET TO THE NORTHEAST CORNER OF SAID LOT 1;
THENCE CONTINUING SOUTH 75 20'12" EAST ALONG SAID NORTHERLY BOUNDARY LINE EXTENDED A DISTANCE OF 67.28 FEET;
THENCE SOUTH 17 09'04" WEST A DISTANCE OF 184.00 FEET
THENCE NORTH 75 20'12" WEST A DISTANCE OF 163.10 FEET TO A POINT ON A CURVE ON THE EASTERLY BOUNDARY LINE OF SAID SCHISSLER QUANDARY THENCE 33.21 FEET ALONG THE ARC OF A CURVE TO THE LEFT ON SAID EASTERLY BOUNDARY LINE HAVING A CENTRAL ANGLE OF 09 12'18", A RADIUS OF 206.74 FEET AND A CHORD WHICH BEARS NORTH 19 40'24" WEST 33.18 FEET DISTANCE TO THE TRUE POINT OF BEGINNING,

COUNTY OF SUMMIT,
STATE OF COLORADO

A parcel of land generally described as the Schissler Condominiums Parcel owned by Cabin Properties, LLC specifically described as follows:

A TRACT OF LAND SITUATED WITHIN THE RUBY PLACER U.S.M.S. 17193, LOCATED IN SECTION 36, TOWNSHIP 7 SOUTH, RANGE 78 WEST OF THE 6TH P.M., COUNTY OF SUMMIT, STATE OF COLORADO, PLATTED AS SCHISSLER QUANDARY CONDOMINIUM AS RECORDED UNDER RECEPTION NO. 105659, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A NO. 5 REBAR LOCATED NORTH 60 DEGREES 02 MINUTES 17 SECONDS WEST, A DISTANCE OF 857.04 FEET FROM CORNER NO. 2 OF SAID RUBY PLACER;

THENCE NORTH 81 DEGREES 32 MINUTES 32 SECONDS WEST A DISTANCE OF 197.45 FEET;

THENCE NORTH 08 DEGREES 27 MINUTES 27 SECONDS EAST A DISTANCE OF 25.67 FEET;

THENCE ALONG A CURVE TO THE LEFT WITH AN ARC LENGTH OF 47.59 FEET A RADIUS OF 1352.02 FEET, A CHORD BEARING OF NORTH 07 DEGREES 26 MINUTES 57 SECONDS EAST, AND A CHORD LENGTH OF 47.59 FEET,

THENCE SOUTH 83 DEGREES 33 MINUTES 32 SECONDS EAST A DISTANCE OF 101.45 FEET;

THENCE ALONG A CURVE TO THE LEFT WITH AN ARC LENGTH OF 51.10 FEET, A RADIUS OF 1464.02 FEET, A CHORD BEARING OF NORTH 05 DEGREES 26 MINUTES 24 SECONDS EAST, AND A CHORD LENGTH OF 51.10 FEET,

THENCE ALONG A CURVE TO THE LEFT WITH AN ARC LENGTH 76.53 FEET, A RADIUS OF 110.74 FEET, A CHORD BEARING OF NORTH 15 DEGREES 21 MINUTES 32 SECONDS WEST, AND A CHORD LENGTH 75.02 FEET, THENCE ALONG A CURVE TO THE LEFT WITH AN ARC LENGTH OF 51.75 FEET, A RADIUS OF 494.18 FEET, A CHORD BEARING OF NORTH 38 DEGREES 09 MINUTES 28 SECONDS WEST, AND A CHORD LENGTH OF 51.73 FEET,

THENCE NORTH 48 DEGREES 50 MINUTES 28 SECONDS EAST A DISTANCE OF 96.00 FEET;

THENCE ALONG A CURVE TO THE RIGHT WITH AN ARC LENGTH OF 61.81 FEET, A RADIUS OF 590.18 FEET, A CHORD BEARING OF SOUTH 38 DEGREES 09 MINUTES 28 SECONDS EAST, AND A CHORD LENGTH OF 61.78 FEET,

THENCE ALONG A CURVE TO THE RIGHT WITH AN ARC LENGTH OF 142.88 FEET, A RADIUS OF 206.74 FEET, A CHORD BEARING OF SOUTH 15 DEGREES 21 MINUTES 32 SECONDS EAST, AND A CHORD LENGTH OF 140.05 FEET,

THENCE ALONG A CURVE TO THE RIGHT WITH AN ARC LENGTH OF 109.36 FEET, A RADIUS OF 1560.02 FEET, AND A CHORD LENGTH OF 109.34 FEET,

THENCE SOUTH 08 DEGREES 27 MINUTES 28 SECONDS WEST A DISTANCE OF 25.30 TO THE POINT OF BEGINNING, EXCEPT FOR THAT PORTION THAT OVERLAPS INTO THE QUANDARY BRECKENRIDGE CONDOMINIUM PLAT AS RECORDED SEPTEMBER 2, 1977 UNDER RECEPTION NO. [167878](#).

A parcel of land generally described as the Schmidt Ruby Placer Parcel owned by the Carl A. Schmidt Living Trust, d/b/a 8/7/2013 specifically described as follows:

A PARCEL OF LAND BEING A PORTION OF THE RUBY PLACER (U.S. MINERAL SURVEY NO. 17193) LOCATED IN SECTIONS 30 AND 31, TOWNSHIP 7 SOUTH, RANGE 77 WEST OF THE 6TH PRINCIPAL MERIDIAN AND SECTION 36, TOWNSHIP 7 SOUTH, RANGE 78 WEST OF THE 6TH PRINCIPAL MERIDIAN, SUMMIT COUNTY, COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 1 OF SAID RUBY PLACER; THENCE S31°07'00"W A DISTANCE OF 1,276.30 FEET TO CORNER NO. 2 OF SAID RUBY PLACER; THENCE N85°40'00" ALONG THE 2-3 LINE OF SAID RUBY PLACER A DISTANCE OF 764.39 FEET; THENCE N38°18'07"E A DISTANCE OF 97.67 FEET; THENCE N16°01'53"W A DISTANCE OF 105.60 FEET; THENCE N85°40'00"W A DISTANCE OF 667.88 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY NO. 9; THENCE N12°16'26"E ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 378.29 FEET TO THE SOUTHERLY BOUNDARY LINE OF SKIERS EDGE, A SUBDIVISION RECORDED UNDER RECEPTION NO. 226900; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE OF SKIERS EDGE S85°33'33"E A DISTANCE OF 326.06 FEET TO THE NORTHWEST CORNER OF AMENDED MAP OF QUANDARY BRECKENRIDGE CONDOMINIUMS, RECORDED UNDER RECEPTION NO. 167878; THENCE ALONG THE BOUNDARIES OF SAID AMENDED QUANDARY BRECKENRIDGE CONDOMINIUMS FOR THE FOLLOWING 5 COURSES:

- 1) S04°26'27"W A DISTANCE OF 48.00 FEET;
- 2) 89.73 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1,280.02 FEET, A CENTRAL ANGLE OF 04°01'00" AND A CHORD WHICH BEARS S06°26'57"W 89.72 FEET DISTANT;
- 3) S08°27'27"W A DISTANCE OF 168.00 FEET;
- 4) S81°32'33"E A DISTANCE OF 106.93 FEET;
- 5) N08°27'27"E A DISTANCE OF 141.60 FEET TO THE SOUTHERLY BOUNDARY LINE OF SCHISLER QUANDARY CONDOMINIUMS, A SUBDIVISION RECORDED UNDER RECEPTION NO. 105659;

THENCE ALONG THE BOUNDARIES OF SAID SCHISLER QUANDARY CONDOMINIUMS FOR THE FOLLOWING 3 COURSES:

- 1) S81°32'32"E A DISTANCE OF 162.48 FEET;
- 2) N08°27'27"E A DISTANCE OF 25.31 FEET;
- 3) 97.80 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1,560.02 FEET, A CENTRAL ANGLE OF 03°35'31", AND A CHORD WHICH BEARS N06°39'39"E 97.78 FEET DISTANT;

THENCE ALONG THE FOLLOWING 6 COURSES:

- 1) S85°07'06"E A DISTANCE OF 49.49 FEET;
- 2) 21.05 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 87.71 FEET, A CENTRAL ANGLE OF 13°45'03" AND A CHORD WHICH BEARS N88°00'23"E 21.00 FEET DISTANT;
- 3) N33°41'14"E A DISTANCE OF 64.43 FEET;
- 4) 4.32 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 184.78 FEET, A

CENTRAL ANGLE OF $01^{\circ}20'23''$ AND A CHORD WHICH BEARS $N33^{\circ}01'02''E$ 4.32 FEET
DISTANT;

- 5) $S75^{\circ}20'12''E$ A DISTANCE OF 56.06 FEET;
- 6) $N17^{\circ}09'04''E$ A DISTANCE OF 184.89 FEET;

THENCE $N75^{\circ}20'12''W$ A DISTANCE OF 768.75 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF
COLORADO STATE HIGHWAY NO. 9; THENCE ALONG SAID RIGHT-OF-WAY LINE FOR THE FOLLOWING 4
COURSES:

- 1) 117.99 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 3,174.59 FEET, A
CENTRAL ANGLE OF $02^{\circ}07'46''$ AND A CHORD WHICH BEARS $N06^{\circ}14'44''E$ 117.98 FEET
DISTANT;
- 2) $N05^{\circ}10'51''E$ A DISTANCE OF 138.35 FEET;
- 3) 276.24 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 958.03 FEET,
A CENTRAL ANGLE OF $16^{\circ}31'15''$, AND A CHORD WHICH BEARS $N13^{\circ}26'28''E$ 275.29 FEET
DISTANT;
- 4) $N21^{\circ}42'06''E$ A DISTANCE OF 308.40 FEET TO THE 4-1 LINE OF SAID RUBY PLACER;

THENCE ALONG SAID 4-1 LINE $S68^{\circ}23'00''E$ A DISTANCE OF 1,839.60 FEET TO THE POINT OF BEGINNING,
CONTAINING 2,029,893 SQUARE FEET OR 46.60 ACRES MORE OR LESS.

NOTE: THIS DESCRIPTION IS BASED ON EXISTING PLATS, DEEDS, AND LEGAL DESCRIPTIONS AND NOT ON
A BOUNDARY SURVEY BY RANGE WEST, INC.

EXHIBIT B
PLANNED RESIDENTIAL DEVELOPMENT GUIDE